

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
06-CV-607(JMR/FLN)

Capella University, Inc.	)	
	)	
v.	)	ORDER
	)	
Executive Risk Specialty	)	
Lines Insurance Company,	)	
Arthur J. Gallagher & Co.,	)	
and Risk Management Services,	)	
Inc.	)	

Defendants object to the Report and Recommendation issued August 29, 2008, by the Honorable Franklin L. Noel, United States Magistrate Judge. The objections were timely filed. The Court allowed defendants to respond to plaintiff's affidavits detailing additional fees and costs.

Based upon a de novo review of the record herein, the Court adopts the Magistrate's Report and Recommendation [Docket No. 177]. Accordingly, IT IS ORDERED that:

1. Plaintiff's motion to alter/amend the judgment [Docket No. 148] is partially granted.

2. Plaintiff's motion for attorney's fees [Docket No. 164] is partially granted.

3. The Judgment is amended to award plaintiff \$1,094,209.56 for attorney's fees and costs from the underlying litigation, and \$327,259.96 for attorney's fees and costs in this action. The Court declines to award plaintiff pre-judgment and post-judgment interest.

4. Plaintiff's request to respond to defendants' memorandum  
[Docket No. 190] is denied as moot.

Dated: October 14, 2008

s/JAMES M. ROSENBAUM  
JAMES M. ROSENBAUM  
United States District Judge